

**STATE OF NEW HAMPSHIRE**  
**DEPARTMENT OF LABOR**  
**CONCORD, NEW HAMPSHIRE**



v

**Systra Consulting Inc.**

**DECISION OF THE HEARING OFFICER**

**Nature of Dispute:** RSA 275:43 I unpaid wages  
RSA 275:43-b unpaid salary

**Employer:** Systra Consulting, Inc. 1600 Market St., Ste 1310, Philadelphia, PA 19103

**Date of Hearing:** January 22, 2015

**Case No.:** 49425

**BACKGROUND AND STATEMENT OF THE ISSUES**

The claimant asserts she is owed \$1,754.40 in unpaid salary as the employer terminated her employment on the last day of the first week of a biweekly pay period, August 23, 2013, and did not pay her for the second week of the pay period.

The employer did pay the claimant a two week severance, along with one week of salary, and her vacation time. She objected to receiving such a small severance. The employer offered her an "enhanced severance" package of four weeks' pay in return for her signature on an agreement that she received all wages due. She signed the agreement and received the four weeks' severance pay.

She filed for benefits with New Hampshire Employment Security at which time the counselor informed her that the employer should have paid the second week of salary.

The claimant waited for approximately one year and then decided to file a claim.

The employer did not respond to the Notice of Wage Claim nor did they attend the scheduled hearing. They did submit documentation for the hearing on January 21, 2015, which was not within the required time frame prescribed by Lab 204.07 (b). The Department returned this exhibit to the employer and this evidence was not considered for the Decision.

**FINDINGS OF FACT**

The claimant performed work for the first week of a biweekly pay period, at which time the employer notified her that her position had been eliminated. The employer paid

the claimant for the week of work performed only, and also included an erroneous half hour of overtime pay.

The claimant received two weeks of severance pay from the employer. Upon her complaint to the employer regarding the small amount of the severance, they offered an "enhanced severance" package of four weeks' severance in return for her signature on an agreement that she had received all wages due. She signed the agreement and received the severance pay as agreed.

She filed for benefits with New Hampshire Employment Security at which time the counselor informed her that the employer should have paid the second week of salary. This wage claim followed.

RSA 275:43-b requires that an employer pay a salaried employee their full salary for any pay period in which the employee performs any work. It also allows employers to make deductions to a salaried employee's wages under certain circumstances, but none of those exceptions apply to the facts of this case.

Pursuant to RSA 275:50 Waiver Prohibited, except as provided in RSA 275:53, no provision of this subdivision may in any way be contravened or set aside by private agreement.

Therefore, the Hearing Officer finds the claimant proved by a preponderance of the evidence that she is due the claimed salary in the amount of \$1,754.40.

### **DECISION AND ORDER**

Based on the testimony and evidence presented, as RSA 275:43 I requires that an employer pay all wages due an employee, and as this Department finds that the claimant proved by a preponderance of the evidence that she is owed the claimed wages, it is hereby ruled that the Wage Claim is valid in the amount of \$1,754.40.

The employer is hereby ordered to send a check to this Department, payable to [REDACTED], in the total of \$1,754.40, less any applicable taxes, within 20 days of the date of this Order.

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Melissa J. Delorey  
Hearing Officer

Date of Decision: January 29, 2015

MJD/kdc